

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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BERND RATFISCH,

Plaintiff,

v.

CASE NO: 14-CV-3722-DT

BAY COUNTY JAIL, ET AL.,

Defendants.

\_\_\_\_\_ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATIONS**

This matter was referred to United States Magistrate Michael Hluchaniuk pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his report filed on October 26, 2015, the magistrate judge recommended that this court dismiss the plaintiff's complaint against defendants with prejudice under Federal Rule of Civil Procedure 41(b) and that Defendants' Motion to Compel and Motion to Dismiss be terminated as moot. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.<sup>1</sup>

Having reviewed the file and the report, the court concludes that the findings and conclusions of the magistrate judge are correct and ADOPTS the same for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's "Report and Recommendation", Plaintiff's complaint is DISMISSED with prejudice under Federal Rule of Civil Procedure 41(b) and Defendants' Motion to Compel [Dkt # 23] and Defendants' Motion to Dismiss [ Dkt # 25] are TERMINATED AS MOOT.

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S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Dated: November 18, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, November 18, 2015, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522